

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GRAND JUROR DOE,)
)
)
Plaintiff,)
)
)
v.) Case 4:15-cv-6-RWS
)
)
ROBERT P. MCCULLOCH, in his)
official capacity as Prosecuting Attorney)
for St. Louis County, Missouri,)
)
)
Defendant.)

DEFENDANT ROBERT P. MCCULLOCH'S MOTION TO DISMISS

Defendant Robert P. McCulloch ("Defendant"), through counsel, moves pursuant to Rule 12(b) of the Federal Rules of Civil Procedure to dismiss Plaintiff's Complaint because the Court lacks subject matter jurisdiction over Plaintiff's claims; because Plaintiff's claims are not ripe for adjudication; because Defendant is entitled to immunity under the Eleventh Amendment; and because Plaintiff has failed to state a claim upon which relief may be granted. Further, and in the event this Court determines that it has jurisdiction over Plaintiff's claims, the Court should abstain from exercising jurisdiction.

Pursuant to Local Rule 7-4.01, Defendant has filed his Memorandum in Support of his Motion to Dismiss contemporaneously herewith, and incorporates the same by this reference.

WHEREFORE, Defendant Robert P. McCulloch respectfully requests the Court to dismiss Plaintiff's Complaint, and grant him any such other and further relief the Court deems fair and appropriate.

Respectfully submitted,

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*Attorneys for Defendant Robert P.
McCulloch*

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2015, the foregoing **Defendant Robert P. McCulloch's Motion to Dismiss** was filed via the Court's electronic filing system upon all counsel of record.

/s/ David Hansen
David Hansen
Assistant Attorney General